

BILL ANALYSIS

Senate Research Center
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S.B. 2320
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

From 2012-2021, a significant portion of all traffic deaths in Texas involved drunk drivers. When compared to other states, Texas has one of the highest rates of drunk driving in the country. S.B. 2320 seeks to deter drunk driving by enacting harsher penalties for those caught driving while intoxicated (DWI).

S.B. 2320 makes the following penalty enhancements to Section 49.04 of the Penal Code:

- Increases the penalty for first-time DWI offenders from a Class B misdemeanor to a Class A misdemeanor;
- Increases the penalty for driving while intoxicated, while in possession of an open container of alcohol, from a Class B misdemeanor a Class A misdemeanor; and
- Increases the penalty for a DWI offense from a Class A misdemeanor to a state jail felony, if a blood, breath, or urine analysis shows a concentration level of 0.15 or more.

Additionally, the bill enhances the penalty under Section 49.09, Penal Code, to make a DWI offense a state jail felony if the person has previously been convicted of driving, flying, boating, or assembling or operating an amusement ride while intoxicated. Currently, the penalty under this section is a Class A misdemeanor.

As proposed, S.B. 2320 amends current law relating to increasing the criminal punishment for certain driving while intoxicated offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 49.04(b), (c), and (d), Penal Code, as follows:

(b) Provides that, except as provided by Subsections (c) and (d) and Section 49.09 (Enhanced Offenses and Penalties), an offense under Section 49.04 (Driving While Intoxicated) is a Class A misdemeanor, rather than Class B misdemeanor, with a minimum term of confinement of 72 hours.

(c) Makes a conforming change to this subsection.

(d) Provides that, if it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a state jail felony, rather than Class A misdemeanor.

SECTION 2. Amends Section 49.09(a), Penal Code, as follows:

(a) Provides that, except as provided by Subsection (b) (relating to providing that an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours), if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated:

(1) an offense under Section 49.05 (Flying While Intoxicated), 49.06 (Boating While Intoxicated), or 49.065 (Assembling or Operating an Amusement Ride While Intoxicated) is a Class A misdemeanor with a minimum term of confinement of 30 days; and

(2) an offense under Section 49.04 is a state jail felony.

Deletes existing text providing that except as provided by Subsection (b), an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days, if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.